

1 ENGROSSED SENATE  
2 BILL NO. 316

By: Dahm of the Senate

3 and

4 Gann of the House

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6 An Act relating to agency agreements; creating the  
7 Government Transparency Act of 2019; providing short  
8 title; defining term; requiring agencies to publish  
9 certain documents; requiring agencies to publish  
10 certain report; providing for content of report;  
11 requiring agencies to provide certain legislative  
12 committees with certain proposed agreements;  
13 providing certain exception; requiring certain legal  
14 citations; providing for codification; and providing  
15 an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3121 of Title 74, unless there  
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Government  
21 Transparency Act of 2019".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 3122 of Title 74, unless there  
24 is created a duplication in numbering, reads as follows:

A. For purposes of the Government Transparency Act of 2019,  
"state agency" shall have the same meaning pursuant to Section 3301  
of Title 74 of the Oklahoma Statutes.

1 B. Upon the effective date of this act, a state agency entering  
2 into a Memorandum of Understanding or Memorandum of Agreement with  
3 any agency, department or any organization receiving appropriated  
4 money, grants, contracts from the State of Oklahoma or any other  
5 state or funds from the government of the United States shall  
6 publish a report on its website and the documents.ok.gov website of  
7 all Memorandums of Understanding or Memorandums of Agreement within  
8 fifteen (15) business days of the Memorandum's effective date. The  
9 report shall contain a detailed accounting of each Memorandum of  
10 Understanding or Memorandum of Agreement which shall include:

11 1. The effective date of the Memorandum of Understanding or  
12 Memorandum of Agreement;

13 2. The duration of the Memorandum of Understanding or  
14 Memorandum of Agreement;

15 3. The entities subject to the Memorandum of Understanding or  
16 Memorandum of Agreement;

17 4. The purpose of the Memorandum of Understanding or Memorandum  
18 of Agreement; and

19 5. The constitutional or statutory provisions allowing for the  
20 subject addressed in the Memorandum of Understanding or Memorandum  
21 of Agreement.

22 C. When any state agency enters into a Memorandum of  
23 Understanding or Memorandum of Agreement, and when the state  
24 Legislature is in session, the state agency shall provide the chair

1 of the appropriate legislative committee, based on the subject  
2 matter or agency executing the document, with a copy of the  
3 Memorandum of Understanding or Memorandum of Agreement.

4 D. Provided, the state agency may not publish any such report  
5 on a Memorandum of Understanding or Memorandum of Agreement that is  
6 privileged under law pursuant to the Oklahoma Open Records Act.  
7 However, a report shall still be published to indicate what entities  
8 are subject to the privileged Memorandum of Understanding or  
9 Memorandum of Agreement and its duration.

10 E. Memorandums of Understanding or Memorandums of Agreement  
11 solely between departments or agencies of this state shall cite the  
12 state constitutional or statutory authority granted for the subject  
13 addressed in the Memorandum of Understanding or Memorandum of  
14 Agreement. Memorandums of Understanding or Memorandums of Agreement  
15 between any agencies, departments and any organizations receiving  
16 appropriated money, grants, contracts from the State of Oklahoma or  
17 any other state, or funds from the government of the United States  
18 shall cite the authority granted by federal or state statute and/or  
19 in the Constitution of the United States as well as the Constitution  
20 of the State of Oklahoma for the subject addressed in the Memorandum  
21 of Understanding or Memorandum of Agreement.

22 SECTION 3. This act shall become effective November 1, 2019.  
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